

Since the due date of filing the Response to Notice of Non-Compliant Appeal Brief fell on Monday, January 21, 2008, which was a federal holiday, the Response is being timely filed on Tuesday, January 22, 2008.

A check in the amount of **\$510.00** was enclosed with the original Appeal Brief dated December 3, 2007 to cover the fee required under 37 CFR § 41.20(b)(2). Also, please provide any extension of time which may be necessary and charge any fees which may be due to Deposit Account No. 13-0014, but not to include any payment of issue fees.

Respectfully Submitted,

MAGINOT, MOORE & BECK, LLP

A handwritten signature in dark ink, appearing to read 'H. C. Moore', with a long horizontal flourish extending to the right.

January 22, 2008

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Enclosures



1867-0157

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Re:	Application of:	Haeberle et al.
	Serial No.:	10/628,977
	Filed:	July 28, 2003
	For:	Method and System for Obtaining Service Information About One or More Building Sites
	Group Art Unit:	2179
	Confirmation No.:	7131
	Examiner:	Nicholas Augustine
	Our Docket No.:	2003P11247US (1867-0157)

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Sir:

This is a replacement to the Brief on Appeal filed December 3, 2007, provided in
response to the Notice of Non-Compliant Appeal Brief mailed December 21, 2007

REPLACEMENT BRIEF ON APPEAL**(1) REAL PARTY IN INTEREST**

Siemens Building Technologies, Inc. is the joint owners of this patent application, and therefore are the real parties in interest.

(2) RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences related to this patent application.

(3) STATUS OF CLAIMS

Claims 13-16, 18-28 and 30-42 are pending in the application.

Claims 1-12, 17 and 29nd 17 have been canceled. Claims 13-16, 18-28 and 30-42 stand rejected and form the subject matter of this appeal. Claims 13-16, 18-28 and 30-42 are shown in the Appendix attached to this Appeal Brief.

(4) STATUS OF AMENDMENTS

Applicants filed a Response to Office Action dated February 21, 2007 ("Response") responsive to an Office Action dated December 11, 2006 and a Notice of Non-Compliant Amendment dated February 9, 2007. A final Office Action dated May 3, 2007 ("Final Office Action") was designated by the Examiner to be responsive to the Response. Applicants filed a Response to the Final Office Action on May 14, 2007. The Examiner issued an Advisory Action on May 30, 2007. The Advisory Action entered the amendments, but the case remained in final rejection.

(5) SUMMARY OF THE INVENTION

Claim 13 is directed to a computer implemented method for providing information relating to service activity for a plurality of building sites. The method includes providing a web portal comprising a database, and storing service related information about a plurality of building sites in the database, the web portable capable of being operatively connected to one or more clients. By way of non-limiting example, the web portal system 10 includes a customer web portal 48 of Fig. 1. As shown in Fig. 9, the customer web portal (CWP) 48 includes a system database 320. (Specification at p.37, lines 12-21). Service-related information, such as service contract information 326 and general service information 334 is stored in the database 320. (*Id.* at p.38, lines 10-13). The database 320 is the system database (*Id.* at p.38, line 10), which contains information about a plurality of building sites. (*Id.* at p.21, lines 10-18; p.25, lines 9-12; p.40, lines 18-20).

Referring again generally to claim 13, the method also includes receiving at the web portal a request for information about the status of service activity for one or more building sites from one or more clients. (See, e.g. *id.* at p.41, lines 4-9 and “display area 406 of Fig. 10). The method also includes determining at the customer web portal a plurality of service activities that are implicated by the request, and communicating from the web portal information implicated by the request such that the information is capable of being on a client display. (See, e.g., *id.* at p.41, lines 6-10; p.45, lines 17-22).

Claim 25 is directed to a system that provides information relating to service activity for a plurality of building sites. The system includes a web portal comprising a database that stores service related information about a plurality of building sites. The web portal is capable of

being connected to a plurality of clients. By way of non-limiting example, the web portal system 10 includes a customer web portal 48 of Fig. 1. As shown in Fig. 9, the customer web portal (CWP) 48 includes a system database 320. (Specification at p.37, lines 12-21). Service-related information, such as service contract information 326 and general service information 334 is stored in the database 320. (*Id.* at p.38, lines 10-13). The database 320 is the system database (*Id.* at p.38, line 10), which contains information about a plurality of building sites. (*Id.* at p.21, lines 10-181; p.25, lines 9-12; p.40, lines 18-20).

Referring again generally to claim 25, the web portal is further capable of receiving at the web portal a request for information about the status of service activity for one or more building sites from one or more clients. (See, e.g. *id.* at p.41, lines 4-9 and “display area 406 of Fig. 10). The web portal is also capable of determining a plurality of service activities that are implicated by the request, and communicating information implicated by the request such that the information is capable of being on a client display. (See, e.g., *id.* at p.41, lines 6-10; p.45, lines 17-22).

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 13-16, 18-28 and 30-42 are anticipated by U.S. Patent No. 6,363,422 to Hunter (hereinafter “Hunter”). The claims do not all stand or fall together.

(7) ARGUMENT

I. THE ANTICIPATION REJECTION OF CLAIMS 13-16, 18-28 AND 30-42

There is a single rejection. Thus, this is a single subject heading. Discussions regarding individual claims are set forth below.

A. Claim 13 is Not Anticipated by Hunter

Hunter does not disclose or suggest a method that includes a step of “storing service related information about a plurality of building sites in said database”, wherein the database is part of a web portal. Hunter also fails to teach or suggest “receiving at said web portal a request for information about a status of service activity for one or more building sites”, and “determining ... a plurality of service activities that are implicated by said request”.

These claim elements relate to providing remote access to information regarding *service* activities of one or more building sites. As plainly described in the specification, service activity includes or relates to any maintenance, repair or similar activities regarding building elements. (See, e.g., Specification at p.2, lines 6-12 and p.8, lines 3-5). “Service related information” therefore includes information regarding service activities, including by way of example service requests, work orders, service histories and service contract details. (*Id.* at p.8, lines 3-5). Accordingly, a “status of service activity” refers to the status of a service request or work order, for example.

Service related information is clearly distinguishable from normal building control data. Normal building control data is the data used in the building control system to regulate temperature, ventilation, fire safety and security within a building. Accordingly, normal building

control data includes information regarding temperature measurements, humidity measurements, active alarms, and ventilation damper position information. While remote access to such building control data is known in the art, claim 13 recites storing (for remote access via a web portal) *service related* information, which is not taught by the prior art.

2. Hunter Does Not Disclose Storing Service Related Information

As discussed above, the Examiner has rejected claims 13-16, 18-28 and 30-42 over Hunter. Hunter fails to disclose a web portal that stores and subsequently provides access to the *service related* information for a building site, as claimed.

Similar to other known prior art, Hunter admittedly discloses a system that provides a user with *operational data* about a building control system. (See Hunter at col. 4, lines 60-67). However, Hunter does not disclose or discuss *service-related* information. As discussed above, service-related information is completely different information than *operational data* for a building control system. Indeed, applicants' own specification clearly distinguishes operational data from service-related data. In particular, on page 58 of the specification of the pending application, the exemplary disclosed system allows a user to select to obtain service information, operational data, or both. Thus, service information and operational data constitute, and are treated as, distinct types of data.

Remote access to service records, maintenance records and the like is not known in the art and is not suggested or taught by Hunter.

3. The Examiner's Rejection of Claim 13

The Examiner has not identified any teaching in Hunter of the claim elements “storing service related information about a plurality of building sites in said database”, “receiving at said web portal a request for information about a status of service activity for one or more building sites”, and “determining ... a plurality of service activities that are implicated by said request”, all of which are recited in claim 13.

In the Final Office Action, the Examiner alleged that the above elements were taught in Hunter at col. 13, lines 17-39 and col. 3, lines 53-62. The cited portions of Hunter, however, do not mention or relate to “service related information”. These cited portions are set forth below:

Each of the components of the server application suite is preferably written in the JAVA high-level programming language, such that the application suite is able to interface with any JAVA supported browser application on any PC-type computer system, or web-based device, and use the browser as its primary Graphical-User-Interface (GUI) 44 for communicating with and displaying its information to a system user. The GUI 44 suitably comprises all of the necessary interfaces for displaying status information about the system states and history of all supported power, environmental, security, and health/safety and fire equipment, in a form and format compatible with most browser applications. In addition to being able to display information in a browser format, the operational database 40 is disposed in a format suitable for direct access and displayed by a web-enabled spreadsheet application, preferably such as an Excel 97/98 spreadsheet, manufactured and sold by Microsoft Corporation. Thus, providing the familiar interfaces of a web browser and the Excel 97 spreadsheet program, allows the application suite of the present invention to possess a degree of flexibility and ease of use not currently available in the conventional art.

(Hunter at col. 13, lines 17-39). The Examiner does not identify what constitutes “service related information” in the above-quoted paragraph of Hunter. The only “information” discussed in the above-quoted paragraph is “...status information about the system states and history of all supported power, environmental, security, and health/safety and fire equipment....”

As an initial matter, “status information about the system states and history of all supported power, environmental, and health/safety and fire equipment...” does not mean maintenance, repair or other related service information (i.e. service contracts). “System states” refers to the state of *operation* of a building control device. For example, a system state of a ventilation damper may be *opened* or *closed*. A system state of an alarm may be *triggered*,

acknowledged, or *normal*. System “states” further include the measured temperatures as measured by various devices, among other things. A “system history” is archived conditions or alarm history. Such an interpretation is clear throughout Hunter. In particular, Hunter repeatedly asserts that its system is used for “monitoring and controlling” building system equipment. (See Hunter at col. 3, lines 19-25; col. 3, lines 35-37). “Monitoring and controlling” in Hunter refers only to normal building control operations (temperature control, alarm monitoring, etc.) and *not* maintenance, repair or other *service* related information. (See Hunter at col. 6, lines 6-25). Thus, the above quoted paragraph of Hunter, which is relied upon by the Examiner, does *not* disclose “storing service related information”, nor does it disclose receiving and processing requests for “information about a status of *service* activity” as claimed.

The other excerpt cited by the Examiner is set forth below:

One or more intranet clients, which gather monitoring information from and send control information to facilities equipment through said equipment's I/O ports may be disposed either within each piece of facilities equipment or, alternatively, might be disposed in a hardware configuration separate from each piece of facilities equipment. Once configured by an intranet server, the client performs all management tasks locally and contains all instructions necessary to monitor and control each piece of facilities equipment coupled thereto.

(Hunter at col. 3, lines 53-62). This paragraph does not support the Examiner’s assertion that Hunter teaches storing service related information or processing requests for “information about a status of service activity”. In particular, the above-quoted paragraph only mentions monitoring and control information. As discussed above, “Monitoring and controlling” in Hunter refers only to normal building control operations (temperature control, alarm monitoring, etc.) and *not* maintenance, repair or other service related information. (See Hunter at col. 6, lines 6-25).

There is absolutely no support that Hunter teaches storing service related information or receiving and processing requests for “information about a status of service activity” as claimed. Ordinary building control operations do not relate to the “status of service activity”, but rather normal building environmental conditions. As discussed above, the specification of the present

application clearly distinguishes normal building control/operation information from service related information (e.g. status of service activities) on page 58, lines 13-23.

Accordingly, it is clear that Hunter does not teach storing service related information, nor receiving requests for information about a “status of service activity” as claimed.

4. Conclusion as to Claim 13

Hunter therefore fails to disclose multiple limitations of claim 13. For example, Hunter does not disclose or suggest a method that includes a step of “storing service related information about a plurality of building sites in said database”, wherein the database is part of a web portal. Hunter also fails to teach or suggest “receiving at said web portal a request for information about a status of service activity for one or more building sites”, and “determining ... a plurality of service activities that are implicated by said request”. For at least these reasons, Hunter does not anticipate claim 13. The anticipation rejection of claim 13 is thus in error and should be reversed.

B. Claim 25

Similar to claim 13, claim 25 includes limitations directed to “a database for storing service activity for a plurality of building sites” and a “web portal capable of being connected to a plurality of clients and for receiving at said web portal a request for information about a status of service activity for one or more building sites from one or more clients”. As discussed above, Hunter fails to disclose such limitations. Accordingly, for substantially the same reasons as those set forth above in connection with claim 13, the anticipation rejection of claim 25 should be reversed.

C. Claim 14

Claim 14 depends from claim 13. As a result, the anticipation rejection of claim 14 should be reversed for all of the reasons set forth above in connection with claim 13. In addition, the rejection of claim 14 should be reversed for distinct and additional reasons. Claim 14 recites “receiving a request from a client to display further information about an individual service activity”. Hunter does not disclose such a step.

In particular, read together with claim 13, claim 14 recites receiving a request about the status of service activity, and then determining a *plurality* of service activities implicated by the request, and causing that information to be communicated to the client. Claim 14 then recites that a further request is received about an *individual service activity*. In other words, for example, the user receives information regarding a *plurality* of service activities, and then provides a further request about a single one of those activities.

In the Examiner’s rejection, the Examiner again cites Hunter at col. 13, lines 17-39 and col. 3, lines 53-62 as teaching the additional limitations of claim 14. Those passages of Hunter are set forth above. Those paragraphs talk generally about providing monitoring, controlling and status information. Even if such general monitoring and control information could qualify as information relating to “service activity”, which it cannot, such general statements regarding monitoring and control does not teach communicating information regarding a *plurality* of service activities implicated by a request and then receiving a further request for further information on an *individual* service activity.

Accordingly, the Examiner has not established that Hunter teaches or suggests. Receiving a request from a client to obtain “*further information* about an *individual service activity*”. For at

least this additional reason, the anticipation rejection of claim 14 should be reversed.

Claim 16

Claim 16 depends from claim 13. As a result, the anticipation rejection of claim 16 should be reversed for all of the reasons set forth above in connection with claim 13. In addition, the rejection of claim 16 should be reversed for distinct and additional reasons. Claim 16 recites that “said service activity information further comprises information about the type of system a service activity is being provided for”. Hunter does not disclose such a limitation.

In particular, claim 16 further defines the information about service activities, as claimed in claim 13. This further refined definition states that information about service activities includes information about the *type of system that is receiving the service activity*. For example, as shown in Fig. 21 of the application by way of non-limiting example, one of the fields that may be displayed is system type, in this case, HVAC. Such information could be useful, for example, if one were tracking service calls only to one type of system, such as the fire safety system, as opposed to all building systems.

By contrast, Hunter teaches nothing about “service activities”. However, even if monitoring and control were interpreted to constitute “service activities”, nothing in Hunter teaches obtaining service activity information about the *type of system* that the service activity is being provided for, as claimed.

Moreover, the Examiner has not identified any teaching in Hunter of this limitation. In the Examiner’s rejection, the Examiner cites Hunter at col. 16, lines 18-21, which is set forth below:

...building-wide data or telecommunications backbone structure. Each of a multiplicity of client systems 50 are again connected to one or more pieces of facilities infrastructure equipment 52 by a serial communication link 54. The client systems 50 and...

Nothing in the above-quoted paragraph appears to relate to “said service activity information further comprises information about the type of system a service activity is being provided for”, as claimed. While the quoted paragraph mentions that there are multiple client systems, the paragraph does not imply or even vaguely leave open the possibility that information regarding the type of systems is information that is communicated to a client user.

Accordingly, the Examiner has not established that Hunter teaches or suggests “said service activity information further comprises information about the type of system a service activity is being provided for”. For at least this additional reason, the anticipation rejection of claim 16 should be reversed.

E. Claim 21

Claim 21 depends from claim 13. As a result, the anticipation rejection of claim 21 should be reversed for all of the reasons set forth above in connection with claim 13. In addition, the rejection of claim 21 should be reversed for distinct and additional reasons. Claim 21 recites “receiving a request from a client for information about an individual service order”. Hunter does not disclose such a limitation.

In particular, claim 21 recites that a request is received for an individual *service order*. The term “service order” has the plain meaning that is the same in substantially all business, industrial and residential industries. By way of an example of this definition, a service order is a contract or request that a technician perform a specific service or set of services on equipment at a particular site (or sites). There are of course variants on this definition, but the general concept of a *service order* is well established.

Hunter teaches nothing about “service orders” as that phrase is ordinarily used. Service

and maintenance are neither mentioned nor contemplated in Hunter. In the Examiner's rejection, the Examiner cites Hunter at col. 13, lines 10-16 and col. 6, lines 18-31, both of which are set forth below.

In accordance with the invention, the server 30 also includes a service database 42 for collecting and storing periodic monitoring and control data provided by various client systems and reported to the server during each client's reporting period. The server stores the polling data in the service database 42 and is able to generate various reports from the stored data for the facilities management system users. (col. 13, lines 10-16)

In addition, when prompted to do so by the server, the client is able to pass appropriate control variables to its supported equipment, thereby commanding each apparatus to perform a particular function, such as setting a thermostat to a particular temperature, turning on (or off) an HVAC apparatus, cascading through a set of security cameras, raising (or lowering) ambient light levels, and the like. All of the rules, termed vendor specific control codes (or control codes), for managing any particular piece of facilities equipment, are resident in the client system and are used by the client to monitor and control each of its supported pieces of apparatus. The choice of which particular control code to issue to a piece of supported equipment is determined by the system server and communicated to the client over the client's network link. (col. 6, lines 18-31)

Nothing in the above-quoted paragraph appears to relate to "service orders". The above paragraphs merely discuss ordinary building control operations such as setting temperature and light levels and controlling security cameras. Those constitute everyday operations of their respective building control operations, and would not be considered to be a "service order" under any reasonably broad reading thereof.

Accordingly, the Examiner has not established that Hunter teaches or suggests "receiving a request from a client for information about an individual service order". For at least this additional reason, the anticipation rejection of claim 21 should be reversed.

F. Claims 22-24

Claims 22-24 depend from claim 13. As a result, the anticipation rejection of claims 22-24 should be reversed for all of the reasons set forth above in connection with claim 13. In addition, the rejection of claims 22-24 should be reversed for additional reasons. Each of claims 22-24 recites that the communicated service related data is organized by “site”, “system”, or “type of service”, respectively. The Examiner then cites col. 13, lines 17-39 as providing such teachings. Col. 13, lines 17-39 is set forth above in connection with claim 13.

Nothing in that cited text teaches that the *any* communicated data, much less *service related* data, is organized by “site”, “system”, or “type of service”.

In the rejection, the Examiner also asserts that such limitations are met “by means of known methods well practiced by “Microsoft Excel”. (Final Office Action at pp.5-6). However, Hunter does not teach that communicated data is organized by “site”, “system” or “type of service”. Accordingly, whether such organization of data is possible using Microsoft Excel is irrelevant.

Accordingly, the Examiner has not established that Hunter teaches or suggests that the communicated service related data is organized by “site”, “system” or “type of service”. For at least this additional reason, the anticipation rejection of claims 22-24 should be reversed.

G. Claims 15, 18-20, 37, 38 and 41

Claims 15, 18-20, 37, 38 and 41 all depend from claim 13. As a result, the anticipation rejection of claims 15, 18-20, 37, 38 and 41 should be reversed for all of the reasons set forth above in connection with claim 13.

H. Claims 26-28, 30-36, 39, 40 and 42

Claims 26-28, 30-36, 39, 40 and 42 all depend from claim 25. As a result, the anticipation rejection of claims 26-28, 30-36, 39, 40 and 42 should be reversed for all of the reasons set forth above in connection with claim 25.

In addition, the rejection of claim 26 should be reversed for the additional reasons set forth above in connection with claim 14.

In addition, the rejection of claim 28 should be reversed for the additional reasons set forth above in connection with claim 16.

In addition, the rejection of claim 33 should be reversed for the additional reasons set forth above in connection with claim 21.

In addition, the rejections of claim 34-36 should be reversed for the additional reasons set forth above in connection with claims 22-24.

(8) CONCLUSION

For all of the foregoing reasons, claims 13-16, 18-28 and 30-42 are not anticipated by U.S. Patent No. 6,363,422 to Hunter. As a consequence, the Board of Appeals is respectfully requested to reverse the rejection of these claims.

Respectfully submitted,



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CLAIM APPENDIX

13. A computer implemented method for providing information relating to service activity for a plurality of building sites:

providing a web portal comprising a database, and storing service related information about a plurality of building sites in said database, said web portable capable of being operatively connected to one or more clients;

receiving at said web portal a request for information about a status of service activity for one or more building sites from one or more clients;

determining at said customer web portal a plurality of service activities that are implicated by said request;

communicating from said web portal information implicated by said request such that said information is capable of being on a client display.

14. The method according to claim 13, further comprising receiving a request from a client to display further information about an individual service activity, and communicating said further information such that said information is capable of being displayed on a client display.

15. The method according to claim 13, wherein said service activity information further comprises information relating to the type of service activity being provided.

16. The method according to claim 13, wherein said service activity information further comprises information about the type of system a service activity is being provided for.

18. The method according to claim 13, wherein service activity information further comprises information about a call type of a service activity.

19. The method according to claim 13, wherein service activity information further comprises information about a plurality of sites in which service activity is being performed.

20. The method according to claim 13, further comprising receiving a request from a client to obtain further information about an individual building site and communicating said further

information about an individual building site such that said information is capable of being displayed on a client display.

21. The method according to claim 13, further comprising receiving a request from a client for information about an individual service order, and communicating said individual service order information such that said individual service order information is capable of being displayed on a client display.

22. The method according to claim 13, wherein said communicated service related information is organized by site.

23. The method according to claim 13, wherein said communicated service related information is organized by system.

24. The method according to claim 13, wherein said communicated service related information is organized by type of service.

25. A system for providing information relating to service activity for a plurality of building sites comprising:

a web portal comprising a database for storing service activity for a plurality of building sites, said web portal capable of being connected to a plurality of clients and for receiving at said web portal a request for information about a status of service activity for one or more building sites from one or more clients;

said web portal capable of determining a plurality of service activities that are implicated by said request, said web portal capable of communicating said service activity information implicated by said request such that said service activity information is capable of being displayed on a client display.

26. The system according to claim 25, wherein said web portal is capable of receiving a request for further information about an individual service activity and is capable of communicating said further information such that said information is capable of being displayed on a client display.

27. The system according to claim 25, wherein the service activity information communicating by said web portal further comprises information relating to the type of service activity being provided.

28. The system according to claim 25, wherein said service activity information communicated by said web portal further comprises information about the type of system a service activity is being provided for.

30. The system according to claim 25, wherein service activity information communicated by said web portal further comprises information about a call type of a service activity.

31. The method according to claim 25, wherein service activity information communicated by said web portal further comprises information about a plurality of sites in which service activity is being performed.

32. The method according to claim 25, wherein said web portal is capable of receiving a request from a client to obtain further information about an individual building site and is capable of communicating said further information about an individual building site such that said information is capable of being displayed on a client display.

33. The system according to claim 25, wherein said web portal is capable of receiving a request from a client for information about an individual service order, and communicating said individual service order information such that said individual service order information is capable of being displayed on a client display.

34. The system according to claim 25, wherein said service related information communicated by said web portal is organized by site.

35. The method according to claim 25, wherein said service related information communicated by said web portal is organized by system.

36. The method according to claim 25, wherein said service related information communicated by said web portal is organized by type of service.
37. The method according to claim 18, wherein the call type is preventative maintenance.
38. The method according to claim 18, wherein the call type is corrective maintenance.
39. The system according to claim 30, wherein the call type is preventative maintenance.
40. The system according to claim 30, wherein the call type is corrective maintenance.
41. The method according to claim 16, wherein the system is selected from the group comprising HVAC systems, mechanical systems, fire safety systems and security systems.
42. The system according to claim 28, wherein the system is selected from the group comprising HVAC systems, mechanical systems, fire safety systems and security systems.

EVIDENCE APPENDIX

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[NONE]

RELATED PROCEEDINGS APPENDIX

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[NONE]